

CITY COUNCIL AGENDA

MARCH 7, 2017

SYNOPSIS

CHAPPIE JONES
SERGIO JIMENEZ
RAUL PERALEZ
LAN DIEP
MAGDALENA CARRASCO
VICE MAYOR

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS
TAM NGUYEN
SYLVIA ARENAS
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=5322>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or City.Clerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: None.

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: None.
Nguyen 2:30 p.m. (Excused)
- **Invocation (District 3)**
San Jose Taiko provided a lively performance for the Invocation.
- **Pledge of Allegiance**
Mayor Liccardo led the Pledge of Allegiance.
- **Orders of the Day — *Heard after Ceremonial Items***
The Orders of the Day and the Amended Agenda were approved, with the addition of the Adjournment to this meeting in honor of Sukdev Singh Gill.

- **Closed Session Report – *Heard after Ceremonial Items***

City Attorney Doyle disclosed the following Closed Session action of March 7, 2017:

A. Authority for Amicus Support:

Case Name: County of Santa Clara v. Trump, et al.

Adverse Party or Parties: Donald J. Trump President of the United States of America, John F. Kelly, in his official capacity as Secretary of the United States Department of Homeland Security, Jefferson B. Sessions, in his official capacity as Attorney General of the United States, John Michael “Mick” Mulvaney, in his official capacity as Director of the Office of Management and Budget, and Does 1-50.

Council Vote:

Ayes: Sam Liccardo, Chappie Jones, Sergio Jimenez, Raul Peralez, Lan Diep, Magdalena Carrasco, Dev Davis, Tam Nguyen, Sylvia Arenas, Donald Rocha, Johnny Khamis.

Noes: None.

Disqualified: None.

Absent: None.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the Hispanic Chamber of Commerce Silicon Valley. (Carrasco)
Mayor Sam Liccardo and Vice Mayor Magdalena Carrasco presented a commendation to the Hispanic Chamber of Commerce Silicon Valley, recognizing their dedication to numerous Hispanic and other minority small businesses in business education, economic assistance, entrepreneurship, and community development.

2. CONSENT CALENDAR

- 2.1** Approval of City Council Minutes.
None provided
- 2.2** Final Adoption of Ordinances.
None provided

2. CONSENT CALENDAR

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Community and Economic Development Committee minutes of January 23, 2017. (Khamis)
 - (b) Transportation and Environment Committee minutes of February 6, 2017. (Carrasco)
 - (c) Neighborhood Services and Education Committee minutes of February 9, 2017. (Rocha)
 - (d) Rules and Open Government Committee minutes of February 15, 2017. (Mayor)
- CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities.

Approved.

2.4 Mayor and Council Excused Absence Requests.

Recommendation: Request for an excused absence for Mayor Liccardo from the Regular Meeting of the Joint Meeting of the Rules and Open Government Committee on March 15, 2017 due to Authorized City Business. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Mayor)

Approved.

2.5 City Council Travel Reports.

None provided

2.6 Report from the Council Liaison to the Retirement Boards.

None provided

2.7 Agreement with Lion Business Park for Real Property Located at the Corner of Capitol Expressway and Quimby Road.

Recommendation: Adopt a resolution:

- (a) Approving the Purchase and Sale Agreement with Lion Business Park, a California Limited Partnership in the amount of \$172,000 for the purchase of a portion of land located at Capitol Expressway, San José, CA, Assessor Parcel Number (APN) 670-41-001 as part of the Capitol Expressway Deceleration Lane Project;
- (b) Declaring approximately 3,558 square feet of vacant land adjacent to Capitol Expressway, San José, CA, APN 670-41-001 surplus to the needs of the City;
- (c) Approving the transfer of the 3,558 square feet of undevelopable property to Arcadia Development Company, the developer of the adjoining property, in accordance with the executed Cost Payment Agreement at the close of escrow; and

(Item Continued on the Next Page)

2. CONSENT CALENDAR

2.7 Agreement with Lion Business Park for Real Property Located at the Corner of Capitol Expressway and Quimby Road (Cont'd.)

- (d) Authorizing the City Manager to execute the Purchase Agreement and all other documents necessary to complete the transaction.

CEQA: Addendum to Evergreen East Hills Vision Strategy Final EIR, File Nos. PDC10-022 and PP14-088. Council District 8. (Economic Development)

Resolution No. 78098 adopted.

2.8 Agreements with GHD, Inc. and David J. Powers & Associates, Inc. for Environmental Consulting Services for City Improvement Projects.

Recommendation: Approve Master Agreements with GHD, Inc. and David J. Powers & Associates from the date of execution through January 31, 2022 in an amount not to exceed \$1,000,000 for each agreement for environmental consulting services for City improvement projects. CEQA: Not a Project, File No. PP10-066(d), Agreements/Contracts, Consultant Services for Design, Study, Research, Inspection, or other professional consulting services to determine feasibility of a project with no commitment to future action. (Public Works)

Approved.

2.9 Irish Flag Raising.

Recommendation: As recommended by the Rules and Open Government Committee on March 1, 2017:

- (a) Approve the Irish Flag Raising scheduled for March 28, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Mayor)

[Rules Committee referral 3/1/17 – Item G.1.a.]

Approved.

2.10 “STEM with Mayor Sam.”

Recommendation: As recommended by the Rules and Open Government Committee on March 1, 2017:

- (a) Approve “STEM with Mayor Sam” as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Mayor)

[Rules Committee referral 3/1/17 – Item G.1.b.]

Approved.

2. CONSENT CALENDAR

2.11 Santos Family Car Show.

Recommendation: As recommended by the Rules and Open Government Committee on March 1, 2017:

- (a) Approve the Santos Family Car Show scheduled on September 4, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Diep)

Approved.

2.12 Berryessa Art and Wine Festival.

Recommendation: As recommended by the Rules and Open Government Committee on March 1, 2017:

- (a) Approve the Berryessa Art and Wine Festival scheduled on May 13, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Diep)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report). None provided.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

None provided.

3.3 Council Priority Setting Session.

Recommendation:

- (a) Approve removal of 11 completed priorities from the Council Priority list.

Approved, including Councilmember Donald Rocha's memorandum, dated March 3, 2017, declining removal of the "Commercial Impact Fee for Affordable Housing" from the Council Priorities list (Item 8 on Attachment A-I), and including Mayor Sam Liccardo's comments from the Council meeting of December 15, 2015, Item 4.3, regarding exploring with other regional partners, and study how a regional fee structure or revenue-sharing might best address the need for affordable housing. (9-2. Noes: Davis, Khamis.)

3. STRATEGIC SUPPORT SERVICES

3.3 Council Priority Setting Session (Cont'd.)

Also, per the joint memorandum from Mayor Sam Liccardo and Vice Mayor Magdalena Carrasco dated March 3, 2017, (1) Merge relevant portions of Priority Items #1 and #6 (in Attachment C of Staff Report) to create a separate item, "Update Urban Design Guidelines" that specifically focuses on updating citywide urban design guidelines for key commercial districts, including Downtown and Berryessa; and (2) Relative to "Fireworks Enforcement", staff was directed to report to Council in April regarding specific plans (i.e., in preparation for July 4th of this year) to address the shortcomings identified through prior Council hearings and feedback in implementation in 2016. (11-0.)

(b) Approve new items for the Council Priority list.

(c) Rank items on Council Priority list.

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Manager)

<u>POLICY NAME</u>	<u>TOTAL VOTES*</u>
Development of a Soft-Story Retrofit Program	13
Accessory Dwelling Units & Garage Conversion Ordinance	11
Personal Care Business Compliance Initiative	8
North San José Policy Review	7
Spurring High Density Development Along Transit Corridors	6
Anti-Displacement Preference Ordinance	5
Update Urban Design Guidelines	3
Riparian Corridors and Bird-Safe Design	2
Commercial Impact Fee for Affordable Housing (No Further Action)	1
Downtown Active Storefronts Initiative	1
San José is Open for Business/Legal Non-Conforming Users	1
Food and Clothing Distribution at City Parks	1
Medical Marijuana	1
Downtown and/or Citywide Parks Operations and Maint. Financing District	0
Real Estate Transactions Streamlining (Phase 3)	0
Development Agreement Policy	0
Off-Sale of Alcohol at Grocery Stores Streamlining	0
Zoning Ordinance Quarterly Modifications	0

*Individual votes by the Mayor and Councilmembers are available on the City Clerk Website link: <http://www.sanjoseca.gov/DocumentCenter/View/66718> or on file in the City Clerk's Office.

3. STRATEGIC SUPPORT SERVICES

3.4 Second Quarter Financial Report for Fiscal Year 2016-2017.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on February 16, 2017, accept the following Second Quarter (period ending December 31, 2016) Financial Reports for Fiscal Year 2016-2017:

- (a) Debt Management Report;
- (b) Investment Management Report; and
- (c) Revenue Collection Report.

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports that involve no approval of City Actions. (Finance)
[Public Safety, Finance, and Strategic Support Committee referral 2/16/17 – Item (d)3]
Accepted.

3.5 City of San José's Investment Policy.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on February 16, 2017, accept staff's report and adopt a resolution to approve Council Policy 1-12, City of San José's Investment Policy, and staff's recommendation to make no changes to the Investment Policy. CEQA: Not a Project, File No. PP 10-068, General Procedure & Policy Making. (Finance)
[Public Safety, Finance, and Strategic Support Committee referral 2/16/17 – Item (d)5]
Resolution No. 78100 was adopted, accepting the staff's recommendation.
(10-1. Noes: Jimenez.)

Add an item to update and expand the City's Investment Policy, Section 22, "Social Responsibility-Foreclosure Mitigation," to include language that demonstrates the City's commitment to fair and responsible business practices" to the prioritization process. (6-5. Noes. Diep, Jimenez, Nguyen, Peralez, Rocha.)

Direction was given to staff to include with the Public Safety, Finance and Strategic Support Committee (PSFSS) workplan, by the end of the fiscal year, whether social responsible criteria should be added to this particular RFP.
(10-0-1. Absent: Nguyen)

4. COMMUNITY & ECONOMIC DEVELOPMENT

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the St. James Park Design Competition Jury's Recommendation.

Recommendation:

- (a) Accept the St. James Park Design Competition Jury's recommendation to select CMG Landscape Architecture as the winning firm and reject the appeal of the protest of !Melk / Fr•ee; and

Accepted.

- (b) Adopt a resolution authorizing the City Manager or his designee to negotiate and execute a Master Agreement with CMG Landscape Architecture in an amount not to exceed \$2,500,000 to support the environmental review process, design, and community outreach efforts related to St. James Park.

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities and File No. PP10-066, Agreements & Contracts. Council District 3. (Parks, Recreation and Neighborhood Services)

Resolution No. 78101 adopted, including modifications as outlined in the memorandum from Mayor Sam Liccardo and Councilmember Raul Peralez, dated March 3, 2017, to (1) Reduce the cost of the master agreement with CMG Landscape Architecture for an amount not to exceed \$1,000,000; and (2) Prioritize Levitt Pavilion and the Second Street re-route of vehicles in the first phase of project design and construction; and 3. With City Council's consideration of the pending Environmental Impact Report (EIR), direct staff to bring forward a funding and phasing plan for design and construction of the entire project.

5.2 Actions Related to the 7715 – Trail: Three Creeks (Lonus Street to Minnesota Avenue) Project.

Recommendation:

- (a) Report on bids and award of a contract for 7715 – Trail: Three Creeks (Lonus Street to Minnesota Avenue) Project to the low bidder, GradeTech Inc., in the amount of \$2,714,500, and approve a ten percent contingency in the amount of \$271,450.

Accepted.

- (b) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:

- (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the TRAIL: Three Creeks (Lonus Street to Guadalupe River) by \$531,000; and

- (2) Decrease the Future PDO/PIO Projects Reserve by \$531,000.

CEQA: Mitigated Negative Declaration for the Three Creeks Trail Master Plan, File No. PP14-012. Council District 6. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

(Deferred from 2/28/17 – Item 5.2)

Ordinance No. 29885 adopted.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the 8300 - 2016 ADA Sidewalk Accessibility Ramps Project.

Recommendation:

(a) Approve award of a construction contract for the 8300 - 2016 ADA Sidewalk Accessibility Ramps Project to the low bidder, Spencon Construction, Inc. in the amount of \$1,585,625.

(b) Approve a ten percent contingency in the amount of \$158,563.

CEQA: Exempt, File No. PP13-051, CEQA Section 15301(c), Existing Facilities.
(Transportation)

Approved.

6.2 Actions Related to the 8380 - 2017 Remove and Replace Asphalt Concrete Pavement Project.

Recommendation:

(a) Approve award of a construction contract for the 8380 - 2017 Remove and Replace Asphalt Concrete Pavement Project, to the low bidder, G. Bortolotto & Company, Inc. in the amount of \$3,803,838.

(b) Approve a ten percent contingency in the amount of \$380,384.

CEQA: Exempt, File No. PP14-069, CEQA Section 15301(c), Existing Facilities.
(Transportation)

Approved.

6.3 Actions Related to the 8423 - 2017 ADA Ramps and Concrete Repair Project.

Recommendation:

(a) Approve award of a construction contract for the 8423 - 2017 ADA Ramps and Concrete Repair Project, to the low bidder, Spencon Construction, Inc. in the amount of \$1,948,625.

(b) Approve a ten percent contingency in the amount of \$194,863.

CEQA: Exempt, File No. PP13-051, CEQA Section 15301(c), Existing Facilities.
(Transportation)

Approved.

6.4 Assembly Bill 342 (Chiu) – Safe Streets Act of 2017.

Recommendation: Accept the report regarding Assembly Bill 342 (Chiu), the Safe Streets Act of 2017; and continue to support efforts to pursue state legislation to allow automated speed enforcement. CEQA: Not a Project, File No. PP10-069(d), City Organizational & Administrative Activities, Legislative Position. (Transportation/Police)
Accepted.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Emergency Medical Service: Service Delivery Models Overview.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on February 16, 2017, accept the presentation discussing various service delivery models for Emergency Medical Services with the County of Santa Clara. CEQA: Not a Project, File No. PP 10-069, City Organizational & Administrative Activities. (Fire)
[Public Safety, Finance, and Strategic Support Committee referral 2/16/17 – Item (d)6] **Accepted.**

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
 - (1) Mark Trout offered comments on perceived ‘fake news’.
 - (2) Blair Beekman provided insights on the Soft-Story Retrofit priority.
 - (3) Cyrus offered comments on decreasing water bills, flooding mitigation, police patrols at Santana Row and a Muslim ban violating First Amendment rights.
 - (4) Scott Leggart asserted that public comment should be heard at the beginning of the Council meeting.
- **Adjournment**

The Council of the City of San José adjourned at 8:06 p.m. in honor of Sukdev Singh Gill.

**JOINT CITY OF SAN JOSE CITY COUNCIL/SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE/
FINANCING AUTHORITY**

1:30 P.M.

TUESDAY, MARCH 7, 2017

CHAMBERS

2. City of San José's Debt Management Policy

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on February 16, 2017:

- (a) Accept the report and approve the proposed revisions to Council Policy 1-15, the "City of San José's Debt Management Policy" and adopt resolutions of the City Council, Successor Agency Board, and the City of San José Financing Authority Board amending the policy.

Resolution No. 78102 adopted.

SARA Resolution No. 7058 adopted.

Financing Authority Board Resolution No. 133 adopted.

- (b) Accept the presentation on Disclosure Obligations of Municipal Bond Issuers. CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making.

(Finance)

[Public Safety, Finance, and Strategic Support Committee referral 2/16/17 – Item (d)4]

Accepted.

Heard Immediately Following Item 3.5

**The Meeting of the Joint City of San José City Council/Successor Agency to the
Redevelopment Agency of the City of San José /Financing Authority was
Adjourned.**